

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on November 1, 2005. Claims 1-6, 11-14 and 21-24 are pending in this application. Claims 7-10 and 15-16 were previously canceled. Claims 17-20 have been withdrawn previously. Claims 1-6 and 11-14 are allowed. In the Office Action, Claims 21-24 are rejected under 35 U.S.C. §103. In response Claims 21-24 have been amended. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicant respectfully submits that the rejections should be withdrawn.

In the Office Action, Claims 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,584,888 to Cortese ("*Cortese*") in view of U.S. Patent No. 5,440,972 to English ("*English*") and U.S. Patent No. 3,955,713 to Hurley ("*Hurley*"). Claims 23-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,921,168 to Nello ("*Nello*") in view *Hurley*. Applicant believes these rejections are improper and respectfully traverses them for at least the reasons set forth below.

Applicant has amended independent Claims 21-24 to recite, in part, the heating of the heating element is switched off or works at reduced power when the pump is running. The amendment is fully supported in the specification, for example, at page 1, lines 26-35. Applicant respectfully submits that, even if combinable, all of the claimed elements are not taught or suggested by the cited references.

For example, in contrast to Claims 21-24, the cited references, alone or in combination, fail to disclose or suggest a coffee machine having, in part, a pump and heating element whereby the heating of the heating element is switched off or works at reduced power when the pump is running. Moreover, the Patent Office has failed to provide specific support in the cited references regarding these elements.

For the reasons discussed above, the combination of *Cortese* in view of *English* and *Hurley* or the combination of *Nello* in view of *Hurley* does not teach, suggest, or even disclose the present claims, and thus, fails to render the claimed subject matter obvious for at least these reasons.

Accordingly, Applicant respectfully requests that the obviousness rejections with respect to Claims 21-24 be reconsidered and the rejections be withdrawn.

For the foregoing reasons, Applicant respectfully requests reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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Date: January 24, 2006